

June 19, 2007

Mr. Scott called the Workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Mazza, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Kirkpatrick, Mr. Walchuk, Mr. Taibi, Mr. Scott, Mr. Bischoff

Members Absent: Mrs. Nargi

Others Present: Atty. William Sutphen, Carl Hintz, Paul Ferriero, Brian Fox, Kris Smalley, Atty. Judith Babinski, Glenn Scherer, Joan Vitale, Marie Gianobilie, Michele McBride

Case: Block 17, Lot 2, Lakeview Lane: Memorialization of Resolution: Mr. Bischoff made a motion to memorialize the Resolution. Mr. Kirkpatrick seconded the motion.

Vote: Ayes: Mr. Bischoff, Mr. Kirkpatrick, Mr. Mazza, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Walchuk, Mr. Scott

Informal: Mr. Scott said the Bossert/Frace matter, Block 17, Lots 24 & 25, would not be discussed.

Phillips Companies, Clinton Block LLC: Block 22, Lot 30.04, 7 Frontage Road:

Brian Fox, representing the Phillips Companies, requested a waiver from site plan review for the purpose of installing an elevator that would conform to the Americans With Disabilities Act. Mr. Fox said the elevator would be utilized by the Hunterdon Development Center's facility which is located on the property. Mr. Bischoff made a motion to grant the waiver. Mr. Kirkpatrick seconded the motion.

Vote: Ayes: Mr. Bischoff, Mr. Kirkpatrick, Mr. Mazza, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Walchuk, Mr. Taibi, Mr. Scott

Smalley: Block 29, Lot 18, 771 County Road 579: Kris Smalley explained her proposal for a transitional dog compound. The compound would be a transportable building, insulated and wired in order to create a temperature controlled environment. Stand alone solar panels are being considered as the source for electricity. Ms. Smalley plans to purchase land for a permanent facility and would move the transportable building to the new site. Mr. Scott asked the number of dogs Ms. Smalley would anticipate. She said probably less than ten. The property is in the AP-2 District and the proposal would be a conditional use. Ms. Smalley understood she could have up to 25 dogs. Mr. Hintz confirmed that number. Mr. Hintz also said ten acres is required, one off-street parking space for each employee and every eight animals and 300 feet away from another residence. Mr. Hintz told Ms. Smalley should submit a plan showing the location of the compound, parking, etc. Mr. Scott said a survey should indicate setbacks from the property line.

Mr. Brandt asked if the Board would have to treat the request as if it was permanent. Mr. Hintz said if Ms. Smalley can meet the conditions there would be no variance. Ms. Smalley would have to provide that proof.

Cellco Partnership d/b/a Verizon Wireless: Block 1.06, Lot 3, 78 Route 173 West:
Issue of Completeness: Mr. Ferriero had written a letter dated June 4, 2007 addressing waivers and other items that should be submitted prior to the Hearing. Mr. Ferriero said that with those conditions, he saw no problem with the application being deemed complete. Mr. Lukasik had a question about the cell tower that exists on the site; had it been approved? Cellco will have to address that issue at the Hearing.

Mr. Bischoff made a motion to deem the application complete, granting waivers for completeness only. Mr. Lukasik seconded the motion.

Vote: Ayes: Mr. Bischoff, Mr. Lukasik, Mr. Mazza, Mr. Martin, Mr. Brandt,
Mr. Kirkpatrick, Mr. Walchuk, Mr. Taibi, Mr. Scott

Scherer: Block 15, Lots 10, 11, 22, 24 and 52: Atty. Judy Babinski said applicant is seeking access to subject property using Williamson Lane in order to build a single-family dwelling and farm-related structures. There are accesses to the property from Baptist Church Road; however, it would create a hardship to use those accesses because of extreme environmental restrictions. Glenn Scherer, applicant, was sworn by Atty. Sutphen. Mr. Scherer is a Licensed Engineer in N.J. Mr. Ferriero recommended the Board accept Mr. Scherer as an Engineer. Atty. Babinski asked Mr. Scherer to state the reasons why property could not be accessed from Baptist Church Road. Mr. Scherer said there is a stream and wetlands crossings that might require building a bridge. Trees would also have to be removed if that access was used. Mr. Scherer said he has no intention to subdivide the property. Atty. Babinski thought that Mr. Scherer should be allowed to have a house built for his daughter, if he decided to do that at some time in the future. Mr. Hintz said he had stated in his memo to the Board, dated May 16, 2007, that applicant would have to pay the COAH Fee, pursuant to the Township's Development Fee Ordinance.

Mr. Ferriero voiced his concerns in a letter dated June 12, 2007, about technical details and the ability to develop the property in the manner described by applicant. He said his concerns are not an element of this application; however, Mr. Ferriero felt it was his obligation to point out certain issues that would be related to the lot development plan associated with the building permit. Mr. Scott said that Stormwater and soil erosion issues could be submitted with the building application. Mr. Ferriero believes applicant needs an Exemption from the Highlands and an L.O.I.. Mr. Scherer did not agree. Mr. Scott said any approval of the application would be subject to review and approval of outside agencies.

Joan Vitale, 29 Baptist Church Road, said she and her husband approve of the Scherer proposal. Marie Gianobilie, 531 Route 579, voiced concerns about dirt bikes. Mr. Scherer responded. He said the primary use of the property is for a home. Mr. Scherer said he does have a dirt bike and a Rhino which is used to access certain parts of the property and for clearing of paths, as part of his forestry program. Mr. Walchuk asked the frequency of use. Mr. Scherer indicated the use was not ongoing.

Mr. Scott asked for a motion to close the Hearing. Mr. Bischoff made the motion. It was seconded by Mr. Lukasik.

Vote: Ayes: Mr. Bischoff, Mr. Lukasik, Mr. Martin, Mr. Brandt, Mr. Kirkpatrick,
Mr. Walchuk, Mr. Taibi, Mr. Scott

Naye: Mr. Mazza

Mr. Scott made a motion to grant approval, subject to review and approval of outside agencies, including the Hunterdon County Department of Health, Hunterdon County Soil Conservation District, N.J. Highlands Act, etc. Mr. Taibi seconded the motion.

Vote: Ayes: Mr. Scott, Mr. Taibi, Mr. Martin, Mr. Brandt, Mr. Lukasik,
Mr. Kirkpatrick, Mr. Walchuk

Nayes: Mr. Mazza, Mr. Bischoff

Mr. Kirkpatrick said Mr. Scherer provided extensive testimony that the purpose of the variance was to build a single-family dwelling for him and, perhaps, for his daughter, at sometime in the future. Mr. Kirkpatrick said it was crucial to his vote that there be no further development on the site.

Public Comment/Other Discussion: Michele McBride had questions about the Pilot application that she wanted to discuss under Correspondence...

Correspondence: Pilot: Block 11, Lot 24.3, 68 Route 173: Correspondence regarding Permit Application and Non-Conforming Use Certification: Secretary was requested to contact Pilot Attorneys and advise them that application and escrow monies must be submitted prior to the Board proceeding with their request.

Mr. Bischoff mentioned a letter from Kevin and Lana Peterson about the status of the Grandin Orchards Preliminary approval. A letter will be sent to the Peterson's about the matter.

Public Comment: Michele McBride had a question about Correspondence pertaining to Pilot from Michael Flyte, NJDEP, to Mayor Mazza. Ms. McBride was told that the matter could not be discussed because Pilot was not represented tonight.

Zoning Ordinance Issues: Mr. Hintz gave a brief overview of recommended changes to the Ordinance, as outlined in his June 13, 2007 report.

Mr. Scott announced that an Executive Session was necessary to discuss Litigation. A motion to go into Executive Session was made by Mr. Bischoff and seconded by Mr. Kirkpatrick. (8:45 p.m.)
Vote: All Ayes, No Nays, Motion Carried

A Resolution providing for a meeting Not Open to the Public in Accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A.10: A-4-6, et Seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on June 19, 2007, in the Union Township Municipal Building, 140 Perryville Road, Hampton, NJ 08827, for the discussion of matters relating to the specific items designated above.

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

The Executive Session ended at 8:50 p.m.

Mr. Bischoff made a motion to return to the regular session. Mr. Kirkpatrick seconded the motion.
Vote: All Ayes, No Nays, Motion Carried

Approval of Minutes: Mr. Bischoff made a motion to approve the minutes of the May 1, 2007 meeting. Mr. Kirkpatrick seconded the motion.
Vote: Ayes: Mr. Bischoff, Mr. Kirkpatrick, Mr. Mazza, Mr. Martin, Mr. Lukasik, Mr. Walchuk, Mr. Taibi, Mr. Scott
Abstain: Mr. Brandt

Motion to Adjourn: Mr. Bischoff made a motion to adjourn. Mr. Kirkpatrick seconded the motion. (8:55 p.m.)
Vote: All Ayes

Grace A. Kocher, Secretary

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